

Minutes of the Planning Commission meeting held on Thursday, February 5, 2009, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Tim Taylor, Chair
Karen Daniels, Vice-Chair
Sheri Van Bibber
Jim Harland
Jeff Evans
Tim Tingey, Community & Economic Development Director
Ray Christensen, Senior Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Absent: Ray Black
Kurtis Aoki

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Tim Taylor opened the meeting and welcomed those present.

APPROVAL OF MINUTES

Sheri Van Bibber made a motion to approve the minutes from January 15, 2009. Seconded by Karen Daniels.

A voice vote was made. The minutes were approved unanimously, 5-0.

APPROVAL OF FINDINGS OF FACT

Karen Daniels made a motion to approve the Finding of Fact related to a Conditional Use Permit for 380 Plaza, located at 5922 South Stratler Street. Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A Mr. Harland
A Mr. Taylor
A Mr. Evans
A Ms. Van Bibber
A Ms. Daniels

Motion passed, 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

STONE MUSCLE CARS – 4792 South Plum Street

Ben Stone was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit. The zoning of the property is M-G-C. There are two buildings located on this property, one on the north and one on the south. The building on the south is closer to 4800 South and is where the business will be located. The applicant is requesting to use approximately 2,300 square feet of the existing building for an auto dealership. Approximately 1,800 square feet will be used for warehouse storage of vehicles and 500 square feet will be used as office space. Based on the total square footage, 4 parking spaces would be required. An inspection of the site indicated a total of 24 existing spaces. The other businesses on site require a total of 16 parking spaces, so the current number of spaces on site exceeds the minimum parking requirement.

One of the conditions for approval is that the cars for sale will be kept inside the building. On the north end of the building there are two dumpsters, only one of which is enclosed behind gates. Staff would require that the other dumpster be enclosed as part of the conditions. At least one of the disabled person parking spaces is required to be 16 feet wide, which includes the 8 foot wide parking space with an accompanying 8 foot wide unloading aisle in accordance with ADA standards. The parking lot will require new striping.

Jim Harland asked why there was a line going down the middle of the building on the presented photographs. Ray Christensen responded that it was a problem with the program that shows property boundaries. Engineering is trying to solve the problem.

Ben Stone, 6693 Slalom Way, confirmed that he has reviewed the conditions of approval and will be able to meet them. He asked for clarification regarding the gates and walls surrounding the dumpsters. Jeff Evans asked if the existing space is large enough for both dumpsters to be covered at the same time and Mr. Stone confirmed that it was. Sheri Van Bibber stated that only one is in the enclosure. Ray Christensen stated that when the gates are closed only one dumpster is completely covered. The other side needs to be completely enclosed. Tim Taylor stated that there should be four gates in order to properly enclose the dumpsters. Ben Stone stated that there are four businesses at this location. He asked why the enclosed dumpsters weren't a condition for those businesses previously. Karen Daniels stated that it likely was a condition, but there has been another dumpster added at some point in time. She suggested that Mr. Stone talk to the other tenants and have the dumpster removed, or talk to the other tenants and have them help with the enclosure expenses to bring everyone into compliance. Tim Taylor stated that this is a problem when there are a number of tenants in a leased building that have to work with the property owner to bring the entire site into compliance before a single tenant can receive a building permit. Mr. Stone stated that he understood.

Ben Stone asked about the handicapped parking stalls. There are four handicapped spaces right now. The unloading zone is only 5 ½ feet, but the actual parking spot is 11 feet, so it is 16 ½ feet total. Tim Taylor stated that the accessible aisle plus the parking space must be 16 feet. Mr. Stone asked why the other tenants hadn't been aware of

that requirement. Ray Christensen reviewed the diagonal striping configuration and stated that restriping would resolve the problem.

Jeff Evans stated that there are multiple tenants, but because Mr. Stone is the newest tenant, these requirements now become his responsibility. Mr. Evans suggested that it would be helpful for the landlord to either appear with the applicant or at least take the responsibility to make the site lease-ready. Ms. Van Bibber stated that Mr. Stone should take these issues to the landlord and that he should be responsible for bringing these things up to code.

Ben Stone asks who does the restriping. Tim Taylor responded that the property owner is responsible for the restriping. There is not a specific company that they are required to use for this service. Mr. Stone asked about weather conditions related to striping. Mr. Harland responded that it needs to be at least 50 degrees for the striping to stick properly. Ray Christensen recommended that Mr. Stone contact Mark Boren, the code inspector, to see if there some way to work out a time extension for striping. Mr. Stone agreed.

Tim Taylor asked if Mr. Stone's questions regarding the conditions need to be addressed in the motion. It was determined that they do not.

Jim Harland asked what a muscle car is. Mr. Stone responded that they're 1960's Camero's and Mustang's.

Sheri Van Bibber asked about the hours of operation, or if the business will be open by appointment only. Mr. Stone responded that he'll be there in a marketing role but he doesn't expect a lot of walk in business. Normally visits will be by appointment. Jim Harland asked if people find the cars from the company's website and then come in to look at them. Mr. Stone confirmed that this is normally the case and that there won't be heavy foot traffic in and out of the business.

Sheri Van Bibber asked Mr. Stone if he'd operated a similar business previously. He confirmed that they have a lot in North Salt Lake right now.

There were no public comments on this issue.

Jeff Evans asked if it would require an amendment to the code to transfer the burden from the leasee to the lessor. He stated that it would save time throughout the process if the property owner already knew that there were standards that had to be met for the tenant. Tim Taylor stated that it should be a step in the process that when the applicant is a leasee, the City should contact the owner. Jeff Evans stated that this is a problem that the Commission is seeing repetitively, and Jim Harland stated that the Conditional Use Permits are tied to the property. Sheri Van Bibber stated that it would be easier for the Compliance Officer if the property owner was more accountable. Tim Taylor stated that it may be difficult to make the owner appear if they live out of state, or if the property is in a trust.

Tim Tingey stated that there are many circumstances where there are non-conforming issues, such as when property was developed quite a few years ago and the conditions

required now were not in place at that time. In situations like the current one, the property owner has to sign an affidavit that they are aware of the Conditional Use Permit process. If there are conditions, those need to be worked out between the property owner and the applicant. Although most non-compliance issues are discovered during initial development inspections, there are occasionally non-compliance issues discovered later and the City must then enforce the requirements. Ms. Van Bibber asked if the applicant could be advised of the conditions prior to coming before the Planning Commission. Mr. Tingey stated that one purpose of this process is to make the applicant aware, and that the staff report with the conditions is sent to the applicant before they come before the Commission. Jim Harland stated that once the applicant is aware of the conditions, it is up to them to approach the landlord about what needs to be done before a permit is issued.

Jeff Evans made a motion to approve the Conditional Use Permit for auto sales use in the M-G-C zone, at 4792 Plum Street, subject to conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. Display of vehicles for sale is not allowed outside of the building.
4. All dumpsters shall be screened in accordance with Section 17.76.170 D-E.
5. Revise the plan to show at least one van accessible disabled person parking space with a minimum 8-foot wide parking space and minimum 8-foot wide unloading aisle. Parking shall be restriped on site to meet this requirement.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A Mr. Harland
A Mr. Taylor
A Mr. Evans
A Ms. Van Bibber
A Ms. Daniels

Motion passed, 5-0.

Ben Stone stated that the business is going to be changing names, and wondered if that would affect anything in relation to the Conditional Use Permit. He was told that it would not, that the Conditional Use goes with the address of the property. Jim Harland stated that the name must be correct on the business license. Mr. Stone asked if he needed to come back after all of the conditions are met. Tim Taylor stated that he does not, that follow up is accomplished by staff and inspections.

OTHER BUSINESS – ELECTION OF OFFICERS FOR 2009

Karen Daniels made a motion to nominate Jim Harland as Chairman. Seconded by Tim Taylor. Sheri Van Bibber made a motion to nominate Jeff Evans as Chairman. Seconded by Jim Harland.

The Commission held a brief discussion regarding the nominations.

Tim Taylor asked the members to show approval by a raise of hands. There were two votes for Mr. Harland and three votes for Mr. Evans. Mr. Evans was elected Chairman.

Karen Daniels made a motion to nominate Jim Harland as Vice-Chair. Seconded by Tim Taylor. Supported in the third by Sheri Van Bibber.

A vote was made by the raise of hands. The motion passed unanimously, 5-0.

Ms. Van Bibber made a motion to adjourn the meeting. Seconded by Jim Harland.

A voice vote was made. The motion to adjourn was approved unanimously, 5-0.

Ray Christensen, AICP
Senior Planner